

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.68 OF 2007

Ramchandra Savalaram Kadam	Petitioner
versus	
Deepak Vasant Bhawe	Respondent

Mr.T.D.Deshmukh for petitioner.
Mrs.Anjali Helekar for respondent.

CORAM : A.S.OKA, J.

DATE : 24th April 2007

PC :

1. Submissions of the learned advocates appearing for the parties were heard on the last day. Advocate for the applicant on instructions of the applicant states that he is not pressing the revision application on merits. He, however, submits that considering the fact that the applicant is carrying on business in the suit premises for last several years, a longer time to vacate may be granted. The said prayer is opposed by the advocate for the respondent by pointing out that the decree is on the ground of bona fide requirement.

2. I have considered the submissions. The applicant is not pressing this application on merits and therefore, the decree passed by the Courts below will attain finality. The material on record indicates that the applicant is carrying on business in the suit premises for last several years. The record also indicates that the applicant will have to search for another accommodation for shifting his business. On the other hand, there is a finding recorded by the Appellate Court that the respondent is still unmarried. It is observed that he is running the business of floor mill for many years and he will soon get married and more income will be required for his own family.

3. Considering the aforesaid circumstances and considering the fact that if this revision application was to be heard on merits for final hearing it would have remained pending in this Court for several years, a case is made out for granting longer time to vacate the suit premises. However, time to vacate will be subject to filing an usual undertaking. Hence, I pass following order.

4. ORDER :-

(a) Revision application is dismissed as not pressed;

(b) Notwithstanding the dismissal of the revision application, the decree for possession shall not be executed till 31st January 2010 subject to condition of the petitioner filing in this Court usual undertaking to vacate the suit premises on or before 31st January 2010. If the undertaking is not filed within a period of four weeks from today, the decree for possession will become executable and it will be open for the respondents to execute the decree and to immediately obtain possession of the suit premises;

(c) There will be no orders as to costs.

(A.S.OKA, J.)